IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE K.C. BHANU**

**WRIT PETITION NO : 7042 of 2005**

Between:

Sri U.J.David, Retd. Teacher, H.No.7-152, Patel Road, Shadnagar-509 216, Mahabubnagar District.

**..... PETITIONER**

AND

1 The Government of Andhra Pradesh rep., by its Secretary, Education Department, Secretariat, Hyderabad-22.
2 The Accountant General (A&E) Andhra Pradesh, Hyderabad.
3 District Educational Officer, Mahabubnagar, Mahabubnagar District.A.P.
4 District Treasury Officer, Mahabubnagar, Mahabubnagar District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ or order or direction to the respondents to settle the pension from the date of retirement that the date after the date of his superannuation, that is dt.31-12-1991, but not from the date of completion of re-employment dt.23-4-1992, and to settle the illegally recovered amount of Rs.1025/- (one thousand and twenty five rupees).

**Counsel for the Petitioner: MR.MADDIPRATAP REDDY**

**Counsel for the Respondents: GP FOR EDUCATION and Finance**

**The Court made the following :**

**ORAL ORDER**:

This writ petition is filed seeking a direction to the respondents to settle the petitioner's unsettled pension with interest along with illegally recovered amount of Rs.1025/-.

Heard the learned counsel for the petitioner and the learned Government Pleader for Finance and perused the material on record.

The petitioner retired from service on 31.12.1991 after attaining the age of superannuation, thereafter, he was reemployed on contract basis. The grievance of the petitioner is that the period of his reemployment i.e. from 1.1.1992 to 23.4.1992 was not taken into consideration for the purpose of computing pension. Hence, this writ petition has been filed.

The learned counsel for the petitioner has contended that after 31.12.1991, the petitioner was temporarily continued till the end of the academic year, 1991-92, and that period has to be taken into consideration for the purpose of computing the pension.

On the other hand, the learned Government Pleader for Finance has

contended that after the age of superannuation, the petitioner's contract services cannot be taken into consideration for the purpose of computing pension.

Admittedly, the petitioner retired from service as Grade-II School Assistant in Government Junior College, Shadnagar on 31.12.1991 after attaining the age of superannuation of 58 years. Thereafter, he was appointed on temporary basis in the same post till the end of 23.4.1992. Since he retired from service on 31.12.1991, the pension was calculated taking the date of retirement as 31.12.1991. Inasmuch as he was appointed on contract basis after his retirement, the said period cannot be taken into consideration for the purpose of computing pension.

For the foregoing reasons, the writ petition is devoid of merits and it shall accordingly stand dismissed. In the circumstances of the case, there shall be no order as to costs.

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(K.C. BHANU, J.)

13th April, 2005

bcj

To

1 The Secretary, The Government of Andhra Pradesh, Education Department, Secretariat, Hyderabad-22.
2 The Accountant General (A&E) Andhra Pradesh, Hyderabad.

3 District Educational Officer, Mahabubnagar, Mahabubnagar District.A.P.
4 District Treasury Officer, Mahabubnagar, Mahabubnagar District.

5 Two C.Cs. to the Government Pleader for Education and Finance, High Court Buildings, Hyderabad (OUT)

6 Two C.D. copies